

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )                                   Case No. 8:06CR217  
                                  )  
                                  )  
v.                            )  
                                  )  
EDDIE C. SHELL,            )                                   **REPORT AND RECOMMENDATION  
AND ORDER**  
                                  )  
                                  )  
Defendant.                   )

At the hearing on October 3, 2006, defendant withdrew his Motion to Produce Testimony [15]. The Motion to Disclose Identity of Confidential Informant(s) [16], and Motion to Suppress Search and Statement [18] were argued and I stated my conclusions on the record and my decision to grant the Motion to Disclose [16] and recommend that the motion to Suppress [18] be denied. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Joseph F. Bataillon, United States District Judge, that the Motion to Suppress Search and Statement [18] be denied in all respects.

**FURTHER, IT IS ORDERED:**

1. The Motion to Disclose Identity of Confidential Informant(s) [16] is granted, and the government shall provide defense counsel the information within 48 hours of this hearing.

2. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.

3 Pursuant to NECrimR 57.3, any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the

transcript is available to counsel. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 3<sup>rd</sup> day of October 2006.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge